

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

|                               |   |                                      |
|-------------------------------|---|--------------------------------------|
| <b>JOHN RATKE,</b>            | § |                                      |
| Plaintiff,                    | § |                                      |
|                               | § |                                      |
| V.                            | § |                                      |
|                               | § | <b>Civil Action No. 3:10-CV-0187</b> |
| <b>BANK OF AMERICA, N.A.,</b> | § |                                      |
| Defendant.                    | § |                                      |

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**PLAINTIFF’S ORIGINAL COMPLAINT**

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**I. Parties**

1.01. Plaintiff John Ratke (“Ratke” or “Plaintiff”) is an individual who resides in the Northern District of Texas.

1.02. Bank of America, N.A. (“BOA”) is a company doing business in the State of Texas; it may be served with process by serving its registered agent, CT Corporation System, 350 N. St. Paul, Dallas, TX 75201.

**II. Jurisdiction**

2.01. The Court has jurisdiction over the lawsuit pursuant to 28 U.S.C. §§ 1331, 1367, as the case arises under Title VII of the Civil Rights Act of 1964 (“Title VII”), as amended, 42 U.S.C. § 2000e *et seq.*

**III. Venue**

3.01. Venue is proper in the Northern District of Texas, Dallas Division, pursuant to 28 U.S.C. § 1391(c ) as Defendants are subject to personal jurisdiction in the Dallas Division

of the Northern District of Texas.

#### **IV. Factual Background**

4.01. Ratke, who is Caucasian and therefore a member of a protected category, was employed with Defendant as a Bank Manager beginning in September of 2007.

4.02. Ratke was terminated on or about November 7, 2008, ostensibly for violating company policy and an ethics violation.

4.03. Other persons who were not in Ratke's protected category were not discharged for committing the same or similar alleged infractions.

#### **V. Exhaustion of Administrative Procedures**

5.01. Ratke has timely filed with the Equal Employment Opportunity Commission ("EEOC") a charge of discrimination against Defendant.

5.02. Ratke received a Notice of Right to Sue from the EEOC within 90 days of the filing of this Complaint.

#### **VI. Title VII**

6.01. Ratke, a Caucasian, is a member of a protected class under Title VII.

6.02. Defendant is an employer who is covered by Title VII.

6.03. Ratke was terminated due to his race in violation of Title VII.

6.04. Defendant's acts of discrimination were performed with malice and reckless disregard for Ratke's protected civil rights.

#### **VII. Damages**

7.01. Ratke has suffered the following injuries as a direct and proximate result of

Defendant's conduct:

- a. loss of past wages;
- b. loss of future wages;
- c. loss of benefits; and
- d. emotional distress, pain and suffering, mental anguish, inconvenience and loss of enjoyment of life.

### **VIII. Attorney Fees and Costs**

8.01. Ratke is entitled to an award for attorney fees and costs under the Title VII.

### **IX. Demand for Jury**

9.01. Ratke requests a trial by jury for all issues so triable.

### **X. Prayer**

10.01. PREMISES CONSIDERED, Plaintiff respectfully requests judgments against Defendant for:

- a. Back pay in an amount in excess of the jurisdictional limits;
- b. Front pay in an amount in excess of the jurisdictional limits;
- c. Compensatory damages for mental anguish, emotional distress, inconvenience, past pecuniary losses and loss of enjoyment of life;
- d. Compensation for lost benefits;
- e. Punitive damages due to Defendant's intentional conduct;
- f. Attorney's fees incurred herein and in any proceeding before the United States Court of Appeals for the Fifth Circuit and the United States Supreme Court;

- g. Costs of court;
- h. Pre-judgment and post-judgment interest on the above amounts;
- i. Reinstatement to his former position and rate of pay
- j. Liquidated damages in an amount within the jurisdiction of the Court; and
- k. All other legal and equitable relief to which Plaintiff may show himself justly entitled.

Respectfully submitted,

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